

AMENDED IN ASSEMBLY APRIL 26, 2004

AMENDED IN SENATE JANUARY 5, 2004

AMENDED IN SENATE MARCH 13, 2003

SENATE BILL

No. 136

Introduced by Senator Figueroa

February 5, 2003

An act to amend Sections ~~4984.7 and 4996.3~~ of 473.6, 1645.1, 2220.1, 2531, 2570.19, 3014.6, 4928, 4934, 4980.40, 4980.50, 4984.7, 4986.21, 4986.80, 4992.1, 4996.3, and 4996.4 of, and to amend and renumber Section 3010.1 of, the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as amended, Figueroa. ~~Marriage and family therapists; clinical social workers; examinations~~ Professions.

(1) Existing law provides for a Joint Legislative Sunset Review Committee and authorizes the chairperson of a policy committee to refer to the Joint Legislative Sunset Review Committee any legislative issues or proposals that would have specified effects, including that would increase licensing requirements.

This bill would authorize referral where the issues or proposals would make any change to licensing requirements or would modify the scope of practice.

(2) Existing law requires a person with a registered dental assistant license to, on or before January 1, 2005, provide evidence of having successfully completed board approved courses in radiation safety and coronal polishing.

This bill would instead require the evidence to be provided on or before January 1, 2006. The bill would require the holder of an inactive license to comply with this requirement only as a condition of returning his or her license to active status.

(3) Existing law provides for a Medical Board of California Enforcement Program Monitor appointed by the Director of the California Medical Board. Existing law requires the board and its staff to provide the monitor with data, information, or case files requested by the monitor to perform his or her duties. Existing law requires the monitor to submit an initial written report of findings and conclusions to the board, the department and the Legislature prior to September 1, 2004, and requires the monitor to submit a final report prior to September 1, 2005.

This bill would provide that the provision of the data, information, or case files does not constitute a waiver of any exemption from disclosure or discovery or of applicable confidentiality protections or privileges. The bill would also change the deadline for submission of the initial written report to November 1, 2004, and the deadline for submission of the final report to November 1, 2005.

(4) Existing law, the Speech-Language Pathologists and Audiologists Licensure Act, provides for the licensing and regulation of speech-language pathologists and audiologists by the Speech-Language Pathology and Audiology Board, in the Department of Consumer Affairs. These provisions will become inoperative on July 1, 2006, and will be repealed on January 1, 2007.

This bill would instead make these provisions inoperative on July 1, 2007, and repeal them on January 1, 2008.

(5) Existing law provides for the licensing and regulation of occupational therapists by the California Board of Occupational Therapy. These provisions will become inoperative on July 1, 2006, and will be repealed on January 1, 2007.

This bill would instead make these provisions inoperative on July 1, 2008, and repeal them on January 1, 2009.

(6) Existing law provides for the licensing and regulation of optometrists by the State Board of Optometry in the Department of Consumer Affairs, and provides for the appointment of an executive officer for the board. These provisions will become inoperative on July 1, 2006, and will be repealed on January 1, 2007.

This bill would instead make these provisions inoperative on July 1, 2008, and repeal them on January 1, 2009.



(7) Existing law provides for the licensing and regulation of acupuncturists by the Acupuncture Board, requires the board to employ necessary personnel, and provides for the appointment of an executive officer for the board. These provisions will become inoperative on July 1, 2005, and will be repealed on January 1, 2006.

This bill would instead make these provisions inoperative on July 1, 2006, and repeal them on January 1, 2007.

(8) Existing law provides for licensing and regulation of marriage and family therapists and clinical social workers by the Board of Behavioral Sciences. Existing law requires applicants for licensure in these professions to meet certain requirements, including authorizing an oral examination to be required of applicants. Existing law imposes certain examination fees for persons seeking to become licensed in these professions on applicants, including fees for written and oral examinations.

This bill would ~~delete the requirement for an~~ revise provisions related to the oral examination and would instead require an applicant who is successful in passing the written examination and who has not passed an oral examination to ~~also take and pass a written~~ clinical vignette written examination. The bill would establish the fee for taking the ~~written~~ clinical vignette written examination at \$100 and the fee for reexamination at \$150. The bill would authorize the board to adjust all examination fees for these professions beginning on January 1, 2005, to reflect actual costs incurred in holding the examinations. The bill would make other related changes.

(9) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 473.6 of the Business and Professions
2 Code is amended to read:
3 473.6. The chairpersons of the appropriate policy committees
4 of the Legislature may refer to the Joint Legislative Sunset Review
5 Committee for review of any legislative issues or proposals to
6 create new licensure or regulatory categories, ~~increase~~ change
7 licensing requirements, *modify scope of practice*, or create a new
8 licensing board under the provisions of this code or pursuant to

1 Chapter 1.5 (commencing with Section 9148) of Part 1 of Division
2 2 of Title 2 of the Government Code.

3 *SEC. 2. Section 1645.1 of the Business and Professions Code*
4 *is amended to read:*

5 1645.1. (a) By January 1, ~~2005~~ 2006, ~~each~~ a person who
6 holds a registered dental assistant license shall provide evidence
7 of having successfully completed board-approved courses in
8 radiation safety and coronal polishing. The length and content of
9 the courses shall be governed by applicable board regulations.
10 Failure to comply with this section shall result in automatic
11 suspension of the license, which shall be reinstated upon the
12 receipt of evidence that the licensee has successfully completed the
13 required courses. Completion of the courses may be counted
14 toward fulfillment of the continuing education requirements
15 governed by Section 1645.

16 (b) *The holder of an inactive registered dental assistant license*
17 *is only required to comply with subdivision (a) as a condition of*
18 *returning his or her license to active status.*

19 *SEC. 3. Section 2220.1 of the Business and Professions Code*
20 *is amended to read:*

21 2220.1. (a) (1) The director shall appoint a Medical Board of
22 California Enforcement Program Monitor prior to March 31,
23 2003. The director may retain a person for this position by a
24 personal services contract, the Legislature finding, pursuant to
25 Section 19130 of the Government Code, that this is a new state
26 function.

27 (2) The director shall supervise the enforcement program
28 monitor and may terminate or dismiss him or her from this
29 position.

30 (b) The director shall advertise the availability of this position.
31 The requirements for this position include experience in
32 conducting investigations and familiarity with state laws, rules,
33 and procedures pertaining to the board and with relevant
34 administrative procedures.

35 (c) (1) The enforcement program monitor shall monitor and
36 evaluate the disciplinary system and procedures of the board,
37 making as his or her highest priority the reform and reengineering
38 of the board's enforcement program and operations and the
39 improvement of the overall efficiency of the board's disciplinary
40 system.



1 (2) This monitoring duty shall be performed on a continuing
2 basis for a period not exceeding two years from the date of the
3 enforcement program monitor's appointment and shall include,
4 but not be limited to, improving the quality and consistency of
5 complaint processing and investigation, reducing the timeframes
6 for completing complaint processing and investigation, reducing
7 any complaint backlog, assessing the relative value to the board of
8 various sources of complaints or information available to the
9 board about licensees in identifying licensees who practice
10 substandard care causing serious patient harm, assuring
11 consistency in the application of sanctions or discipline imposed
12 on licensees, and shall include the following areas: the accurate
13 and consistent implementation of the laws and rules affecting
14 discipline, appropriate application of investigation and
15 prosecution priorities, particularly with respect to priority cases,
16 as defined in Section 2220.05, board and Attorney General staff,
17 defense bar, licensee, and patients' concerns regarding
18 disciplinary matters or procedures, and the board's cooperation
19 with other governmental entities charged with enforcing related
20 laws and regulations regarding physicians and surgeons. The
21 enforcement program monitor shall also evaluate the method used
22 by investigators in the regional offices for selecting experts to
23 review cases to determine if the experts are selected on an impartial
24 basis and to recommend methods of improving the selection
25 process. The enforcement program monitor shall also evaluate the
26 effectiveness and efficiency of the board's diversion program and
27 make recommendations regarding the continuation of the program
28 and any changes or reforms required to assure that physicians and
29 surgeons participating in the program are appropriately monitored
30 and the public is protected from physicians and surgeons who are
31 impaired due to alcohol or drug abuse or mental or physical illness.

32 (3) The enforcement program monitor shall exercise no
33 authority over the board's discipline operations or staff; however,
34 the board and its staff shall cooperate with him or her, and the
35 board shall provide data, information, and case files as requested
36 by the enforcement program monitor to perform all of his or her
37 duties. *The provision of confidential data, information, and case*
38 *files by the board to the enforcement program monitor at any time*
39 *after the appointment of the monitor shall not constitute a waiver*
40 *of any exemption from disclosure or discovery or of any*



1 *confidentiality protection or privilege otherwise provided by law*
2 *that is applicable to the data, information, or case files.*

3 (4) The director shall assist the enforcement program monitor
4 in the performance of his or her duties, and the enforcement
5 program monitor shall have the same investigative authority as the
6 director.

7 (d) The enforcement program monitor shall submit an initial
8 written report of his or her findings and conclusions to the board,
9 the department, and the Legislature no later than ~~September 1,~~
10 ~~2004~~ *November 1, 2004*, and be available to make oral reports if
11 requested to do so. The initial report shall include an analysis of
12 the sources of information that resulted in each disciplinary action
13 imposed since January 1, 2003, involving priority cases, as defined
14 in Section 2220.05. The enforcement program monitor may also
15 provide additional information to either the department or the
16 Legislature at his or her discretion or at the request of either the
17 department or the Legislature. The enforcement program monitor
18 shall make his or her reports available to the public or the media.
19 The enforcement program monitor shall make every effort to
20 provide the board with an opportunity to reply to any facts,
21 findings, issues, or conclusions in his or her reports with which the
22 board may disagree.

23 (e) The board shall reimburse the department for all of the costs
24 associated with the employment of an enforcement program
25 monitor.

26 (f) The enforcement program monitor shall issue a final report
27 prior to ~~September 1, 2005~~ *November 1, 2005*. The final report
28 shall include final findings and conclusions on the topics
29 addressed in the initial report submitted by the monitor pursuant
30 to subdivision (d).

31 (g) This section shall become inoperative on January 1, 2006,
32 and as of January 1, 2006, shall be repealed, unless a later enacted
33 statute, which is enacted before January 1, 2006, deletes or extends
34 the dates on which it becomes inoperative and is repealed.

35 *SEC. 4. Section 2531 of the Business and Professions Code is*
36 *amended to read:*

37 2531. There is in the Department of Consumer Affairs a
38 Speech-Language Pathology and Audiology Board in which the
39 enforcement and administration of this chapter is vested. The

1 Speech-Language Pathology and Audiology Board shall consist of
2 nine members, three of whom shall be public members.

3 This section shall become inoperative on July 1, ~~2006~~ 2007,
4 and, as of January 1, ~~2007~~ 2008, is repealed, unless a later enacted
5 statute, that becomes effective on or before January 1, ~~2007~~ 2008,
6 deletes or extends the inoperative and repeal dates.

7 *SEC. 5. Section 2570.19 of the Business and Professions Code*
8 *is amended to read:*

9 2570.19. (a) There is hereby created a California Board of
10 Occupational Therapy, hereafter referred to as the board. The
11 board shall enforce and administer this chapter.

12 (b) The members of the board shall consist of the following:

13 (1) Three occupational therapists who shall have practiced
14 occupational therapy for five years.

15 (2) One occupational therapy assistant who shall have assisted
16 in the practice of occupational therapy for five years.

17 (3) Three public members who shall not be licentiates of the
18 board or of any board referred to in Section 1000 or 3600.

19 (c) The Governor shall appoint the three occupational
20 therapists and one occupational therapy assistant to be members of
21 the board. The Governor, the Senate Rules Committee, and the
22 Speaker of the Assembly shall each appoint a public member. Not
23 more than one member of the board shall be appointed from the
24 full-time faculty of any university, college, or other educational
25 institution.

26 (d) All members shall be residents of California at the time of
27 their appointment. The occupational therapist and occupational
28 therapy assistant members shall have been engaged in rendering
29 occupational therapy services to the public, teaching, or research
30 in occupational therapy for at least five years preceding their
31 appointments.

32 (e) The public members may not be or have ever been
33 occupational therapists or occupational therapy assistants or in
34 training to become occupational therapists or occupational therapy
35 assistants. The public members may not be related to or have a
36 household member who is an occupational therapist or an
37 occupational therapy assistant, and may not have had within two
38 years of the appointment a substantial financial interest in a person
39 regulated by the board.

1 (f) The Governor shall appoint two board members for a term
2 of one year, two board members for a term of two years, and one
3 board member for a term of three years. Appointments made
4 thereafter shall be for four-year terms, but no person shall be
5 appointed to serve more than two consecutive terms. Terms shall
6 begin on the first day of the calendar year and end on the last day
7 of the calendar year or until successors are appointed, except for
8 the first appointed members who shall serve through the last
9 calendar day of the year in which they are appointed, before
10 commencing the terms prescribed by this section. Vacancies shall
11 be filled by appointment for the unexpired term. The board shall
12 annually elect one of its members as president.

13 (g) The board shall meet and hold at least one regular meeting
14 annually in the Cities of Sacramento, Los Angeles, and San
15 Francisco. The board may convene from time to time until its
16 business is concluded. Special meetings of the board may be held
17 at any time and place designated by the board.

18 (h) Notice of each meeting of the board shall be given in
19 accordance with the Bagley-Keene Open Meeting Act (Article 9
20 (commencing with Section 11120) of Chapter 1 of Part 1 of
21 Division 3 of Title 2 of the Government Code).

22 (i) Members of the board shall receive no compensation for
23 their services but shall be entitled to reasonable travel and other
24 expenses incurred in the execution of their powers and duties in
25 accordance with Section 103.

26 (j) The appointing power shall have the power to remove any
27 member of the board from office for neglect of any duty imposed
28 by state law, for incompetency, or for unprofessional or
29 dishonorable conduct.

30 (k) A loan is hereby authorized from the General Fund to the
31 Occupational Therapy Fund on or after July 1, 2000, in an amount
32 of up to one million dollars (\$1,000,000) to fund operating,
33 personnel, and other startup costs of the board. Six hundred ten
34 thousand dollars (\$610,000) of this loan amount is hereby
35 appropriated to the board to use in the 2000–01 fiscal year for the
36 purposes described in this subdivision. In subsequent years, funds
37 from the Occupational Therapy Fund shall be available to the
38 board upon appropriation by the Legislature in the annual Budget
39 Act. The loan shall be repaid to the General Fund over a period of
40 up to five years, and the amount paid shall also include interest at



the rate accruing to moneys in the Pooled Money Investment Account. The loan amount and repayment period shall be minimized to the extent possible based upon actual board financing requirements as determined by the Department of Finance.

(l) This section shall become inoperative on July 1, ~~2006~~ 2007, and, as of January 1, ~~2007~~ 2008, is repealed, unless a later enacted statute that is enacted before January 1, ~~2007~~ 2008, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 6. Section 3010.1 of the Business and Professions Code, as added by Section 16 of Chapter 1150 of the Statutes of 2002, is amended and renumbered to read:

~~3010.1.~~

3010.5. (a) There is in the Department of Consumer Affairs a State Board of Optometry in which the enforcement of this chapter is vested. The board consists of 11 members, five of whom shall be public members.

Six members of the board shall constitute a quorum.

(b) The board shall, with respect to conducting investigations, inquiries, and disciplinary actions and proceedings, have the authority previously vested in the board as created pursuant to Section 3010. The board may enforce any disciplinary actions undertaken by that board.

(c) This section shall remain in effect only until July 1, ~~2006~~ 2008, and, as of January 1, ~~2007~~ 2009, is repealed, unless a later enacted statute, that is enacted before January 1, ~~2007~~ 2009, deletes or extends that date.

SEC. 7. Section 3014.6 of the Business and Professions Code is amended to read:

3014.6. (a) The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

(b) This section shall become inoperative on July 1, ~~2006~~ 2008, and, as of January 1, ~~2007~~ 2009, is repealed, unless a later enacted statute, that is enacted before January 1, ~~2007~~ 2009, deletes or extends the dates on which it becomes inoperative and is repealed.

1 SEC. 8. *Section 4928 of the Business and Professions Code is*
2 *amended to read:*

3 4928. The Acupuncture Board, which consists of nine
4 members, shall enforce and administer this chapter.

5 This section shall become inoperative on July 1, ~~2005~~ 2006,
6 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
7 statute, which becomes effective on or before January 1, ~~2006~~
8 2007, deletes or extends the dates on which it becomes inoperative
9 and is repealed.

10 The repeal of this section renders the board subject to the review
11 required by Division 1.2 (commencing with Section 473).

12 SEC. 9. *Section 4934 of the Business and Professions Code is*
13 *amended to read:*

14 4934. The board shall employ personnel necessary for the
15 administration of this chapter; however, the board may appoint an
16 executive officer who is exempt from the provisions of the Civil
17 Service Act.

18 This section shall become inoperative on July 1, ~~2005~~ 2006,
19 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
20 statute, which becomes effective on or before January 1, ~~2006~~
21 2007, deletes or extends the dates on which it becomes inoperative
22 and is repealed.

23 The repeal of this section renders the board subject to the review
24 required by Division 1.2 (commencing with Section 473).

25 SEC. 10. *Section 4980.40 of the Business and Professions*
26 *Code is amended to read:*

27 4980.40. To qualify for a license, an applicant shall have all
28 the following qualifications:

29 (a) Applicants applying for licensure on or after January 1,
30 1988, shall possess a doctor's or master's degree in marriage,
31 family, and child counseling, marital and family therapy,
32 psychology, clinical psychology, counseling psychology, or
33 counseling with an emphasis in either marriage, family, and child
34 counseling or marriage and family therapy, obtained from a
35 school, college, or university accredited by the Western
36 Association of Schools and Colleges, or approved by the Bureau
37 for Private Postsecondary and Vocational Education. The board
38 has the authority to make the final determination as to whether a
39 degree meets all requirements, including, but not limited to, course
40 requirements, regardless of accreditation or approval. For

1 purposes of this chapter, the term “approved by the Bureau for
2 Private Postsecondary and Vocational Education” shall mean
3 unconditional approval existing at the time of the applicant’s
4 graduation from the school, college, or university. In order to
5 qualify for licensure pursuant to this subdivision, ~~any~~ a doctor’s
6 or master’s degree program shall be a single, integrated program
7 primarily designed to train marriage and family therapists and
8 shall contain no less than 48 semester or 72 quarter units of
9 instruction. The instruction shall include no less than 12 semester
10 units or 18 quarter units of coursework in the areas of marriage,
11 family, and child counseling, and marital and family systems
12 approaches to treatment.

13 The coursework shall include all of the following areas:

14 (1) The salient theories of a variety of psychotherapeutic
15 orientations directly related to marriage and family therapy, and
16 marital and family systems approaches to treatment.

17 (2) Theories of marriage and family therapy and how they can
18 be utilized in order to intervene therapeutically with couples,
19 families, adults, children, and groups.

20 (3) Developmental issues and life events from infancy to old
21 age and their effect upon individuals, couples, and family
22 relationships. This may include coursework that focuses on
23 specific family life events and the psychological,
24 psychotherapeutic, and health implications that arise within
25 couples and families, including, but not limited to, childbirth,
26 child rearing, childhood, adolescence, adulthood, marriage,
27 divorce, blended families, stepparenting, and geropsychology.

28 (4) A variety of approaches to the treatment of children.

29 The board shall, by regulation, set forth the subjects of
30 instruction required in this subdivision.

31 (b) (1) In addition to the 12 semester or 18 quarter units of
32 coursework specified above, the doctor’s or master’s degree
33 program shall contain not less than six semester or nine quarter
34 units of supervised practicum in applied psychotherapeutic
35 techniques, assessment, diagnosis, prognosis, and treatment of
36 premarital, couple, family, and child relationships, including
37 dysfunctions, healthy functioning, health promotion, and illness
38 prevention, in a supervised clinical placement that provides
39 supervised fieldwork experience within the scope of practice of a
40 marriage and family therapist.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) (A) Supervised practicum hours, as specified in this subdivision, shall be evaluated, accepted, and credited as hours for trainee experience by the board.

(B) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(c) As an alternative to meeting the qualifications specified in subdivision (a), the board shall accept as equivalent degrees, those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(d) All applicants shall, in addition, complete the coursework or training specified in Section 4980.41.

(e) All applicants shall be at least 18 years of age.

(f) All applicants shall have at least two years' experience that meets the requirements of this chapter in interpersonal relationships, marriage and family therapy and psychotherapy under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, or a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology. Experience shall not be gained under the supervision of an individual who has provided therapeutic services to that applicant. For those supervisorial relationships in effect on or before December 31, 1988, and which remain in continuous effect thereafter, experience may be gained under the supervision of a licensed physician who has completed a residency in psychiatry. ~~Any~~ A person supervising another person pursuant to this subdivision shall have been licensed or certified for at least two years prior to acting as a supervisor, shall have a current and valid license that is not under suspension or probation, and shall meet the requirements established by regulations.

(g) The applicant shall pass a board administered written or oral examination or both *types of examinations*. ~~An, except that an applicant who has successfully passed a previously administered written examination may be subsequently and who has not taken and passed an oral examination shall instead be required to take and pass another written a clinical vignette written examination.~~

(h) The applicant shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of ~~any~~ a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

(i) (1) An applicant applying for intern registration who, prior to December 31, 1987, met the qualifications for registration, but who failed to apply or qualify for intern registration may be granted an intern registration if the applicant meets all of the following criteria:

(A) The applicant possesses a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, counseling with an emphasis in marriage, family, and child counseling, or social work with an emphasis in clinical social work obtained from a school, college, or university currently conferring that degree that, at the time the degree was conferred, was accredited by the Western Association of Schools and Colleges, and where the degree conferred was, at the time it was conferred, specifically intended to satisfy the educational requirements for licensure by the Board of Behavioral Sciences.

(B) The applicant's degree and the course content of the instruction underlying that degree have been evaluated by the chief academic officer of a school, college, or university accredited by the Western Association of Schools and Colleges to determine the extent to which the applicant's degree program satisfies the current educational requirements for licensure, and the chief academic officer certifies to the board the amount and type of instruction needed to meet the current requirements.

(C) The applicant completes a plan of instruction that has been approved by the board at a school, college, or university accredited by the Western Association of Schools and Colleges that the chief academic officer of the educational institution has, pursuant to subparagraph (B), certified will meet the current educational requirements when considered in conjunction with the original degree.

(2) A person applying under this subdivision shall be considered a trainee, as that term is defined in Section 4980.03,

1 once he or she is enrolled to complete the additional coursework
2 necessary to meet the current educational requirements for
3 licensure.

4 (j) An applicant for licensure trained in an educational
5 institution outside the United States shall demonstrate to the
6 satisfaction of the board that he or she possesses a qualifying
7 degree that is equivalent to a degree earned from a school, college,
8 or university accredited by the Western Association of Schools and
9 Colleges, or approved by the Bureau of Private Postsecondary and
10 Vocational Education. These applicants shall provide the board
11 with a comprehensive evaluation of the degree performed by a
12 foreign credential evaluation service that is a member of the
13 National Association of Credential Evaluation Services
14 (NACES), and shall provide any other documentation the board
15 deems necessary.

16 *SEC. 11. Section 4980.50 of the Business and Professions*
17 *Code is amended to read:*

18 4980.50. (a) Every applicant who meets the educational and
19 experience requirements and applies for a license as a marriage and
20 family therapist shall be examined by the board. The examinations
21 shall be as set forth in subdivision (g) of Section 4980.40. The
22 examinations shall be given at least twice a year at a time and place
23 and under supervision as the board may determine. The board shall
24 examine the candidate with regard to his or her knowledge and
25 professional skills and his or her judgment in the utilization of
26 appropriate techniques and methods.

27 (b) The board shall not deny any applicant, who has submitted
28 a complete application for examination, admission to the licensure
29 examinations required by this section if the applicant meets the
30 educational and experience requirements of this chapter, and has
31 not committed any acts or engaged in any conduct ~~which~~-that
32 would constitute grounds to deny licensure.

33 (c) The board shall not deny any applicant, whose application
34 for licensure is complete, admission to the *standard* written
35 examination, nor shall the board postpone or delay any applicant's
36 *standard* written examination or delay informing the candidate of
37 the results of ~~any~~ the *standard* written examination, solely upon
38 the receipt by the board of a complaint alleging acts or conduct
39 ~~which~~ that would constitute grounds to deny licensure.



(d) If an applicant for examination who has passed the *standard* written examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the ~~oral~~ *clinical vignette written* examination for licensure, but may withhold the results of the examination or notify the applicant that licensure will not be granted pending completion of the investigation.

(e) Notwithstanding Section 135, the board may deny any applicant who has previously failed either the *standard* written or ~~oral~~ *clinical vignette written* examination permission to retake either examination pending completion of the investigation of any complaints against the applicant. Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Sections 11503 and 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(f) Notwithstanding any other provision of law, the board may destroy all ~~written and oral~~ examination materials two years following the date of the *an* examination.

(g) On or after January 1, 2002, no applicant shall be eligible to participate in ~~an oral~~ *a clinical vignette written* examination if his or her passing score on the *standard* written examination occurred more than seven years before.

(h) An applicant who has qualified pursuant to this chapter shall be issued a license as a marriage and family therapist in the form that the board may deem appropriate.

SEC. 12. Section 4984.7 of the Business and Professions Code is amended to read:

4984.7. The amount of the fees prescribed by this chapter that relate to licensing of persons to engage in the business of marriage and family therapy is that established by the following schedule:

(a) The fee for applications for examination received on or after January 1, 1987, shall be one hundred dollars (\$100).

(b) The fee for issuance of the initial license shall be a maximum of one hundred eighty dollars (\$180).

1 (c) For those persons whose license expires on or after January
2 1, 1996, the renewal fee shall be a maximum of one hundred eighty
3 dollars (\$180).

4 (d) The delinquency fee shall be ninety dollars (\$90). Any
5 person who permits his or her license to become delinquent may
6 have it restored only upon the payment of all fees that he or she
7 would have paid if the license had not become delinquent, plus the
8 payment of any and all outstanding delinquency fees.

9 (e) For those persons registering as interns on or after January
10 1, 1996, the registration fee shall be seventy-five dollars (\$75).

11 (f) For those persons whose registration as an intern expires on
12 or after January 1, 1996, the renewal fee shall be seventy-five
13 dollars (\$75).

14 (g) The standard written examination fee shall be one hundred
15 dollars (\$100). After successfully passing the standard written
16 examination, each applicant for the clinical vignette written
17 examination shall submit one hundred dollars (\$100). Applicants
18 failing to appear for any examination, once having been
19 scheduled, shall forfeit any examination fees paid. Effective
20 January 1, 2005, the examination fees for the standard written and
21 clinical vignette written examinations shall be based on the actual
22 cost to the board of developing, purchasing, and grading of each
23 examination, plus the actual cost to the board of administering
24 each examination. The written examination fees shall be adjusted
25 periodically by regulation to reflect the actual costs incurred by the
26 board.

27 (h) An applicant who fails any standard or clinical vignette
28 written examination may within one year from the notification
29 date of that failure, retake the examination as regularly scheduled
30 without further application upon payment of one hundred dollars
31 (\$100) for the standard written reexamination and one hundred
32 dollars (\$100) for the clinical vignette *written* reexamination.
33 Thereafter, the applicant shall not be eligible for further
34 examination until he or she files a new application, meets all
35 current requirements, and pays all fees required. Persons failing to
36 appear for the reexamination, once having been scheduled, shall
37 forfeit any reexamination fees paid.

38 (i) The fee for rescoring any written examination shall be
39 twenty dollars (\$20).

(j) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20).

(k) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

With regard to all license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

~~SEC. 2.—~~

SEC. 13. Section 4986.21 of the Business and Professions Code is amended to read:

4986.21. (a) Only individuals who have the qualifications prescribed by the board under this chapter are eligible to take the examination. Every applicant who is issued a license as an educational psychologist shall be examined by the board.

(b) Notwithstanding any other provision of law, the board may destroy all ~~written and oral~~ examination materials two years following the date of ~~the~~ an examination.

~~On or after January 1, 2002, no applicant shall be eligible to participate in an oral examination if his or her passing score on the written examination occurred more than seven years before.~~

SEC. 14. Section 4986.80 of the Business and Professions Code is amended to read:

4986.80. The amount of the fees prescribed by this chapter that relate to the licensing of educational psychologists is that established by the following schedule:

(a) Persons applying for an original license after July 1, 1986, shall pay an application fee of one hundred dollars (\$100).

(b) The fee for issuance of the initial license shall be a maximum of one hundred fifty dollars (\$150).

(c) Persons whose license expires after January 1, 1991, shall pay a renewal fee of a maximum of one hundred fifty dollars (\$150).

(d) The delinquency fee shall be seventy-five dollars (\$75). ~~Any~~ A person who permits his or her license to become delinquent may have it restored only upon the payment of all fees that he or she would have paid if the license had not become delinquent, plus the payment of any and all delinquency fees.

(e) The written examination fee shall be one hundred dollars (\$100). ~~After successfully passing the written examination, each applicant for oral examination shall submit two hundred dollars~~

1 ~~(\$200)~~. Applicants failing to appear for ~~any~~ *an* examination, once
2 having been scheduled, shall forfeit any examination fees paid.

3 (f) The fee for each reexamination shall be the fee for each
4 examination specified in subdivision (e). An applicant who has
5 failed the written ~~or oral~~ examination may within one year from
6 the notification date of failure, retake that examination as regularly
7 scheduled without further application. Thereafter, the applicant
8 shall not be eligible for further examination until he or she files a
9 new application, meets all current requirements, and pays all fees
10 required. Persons failing to appear for reexamination, once having
11 been scheduled, shall forfeit any reexamination fees paid.

12 (g) The fee for rescoring a written examination shall be twenty
13 dollars (\$20). ~~The fee for appeal of an oral examination shall be~~
14 ~~one hundred dollars (\$100).~~

15 (h) The fee for issuance of ~~any~~ *a* replacement registration,
16 license, or certificate shall be twenty dollars (\$20).

17 (i) The fee for issuance of a certificate or letter of good standing
18 shall be twenty-five dollars (\$25).

19 With regard to all license, examination, and other fees, the board
20 shall establish fee amounts at or below the maximum amounts
21 specified in this chapter.

22 *SEC. 15. Section 4992.1 of the Business and Professions Code*
23 *is amended to read:*

24 4992.1. (a) Only individuals who have the qualifications
25 prescribed by the board under this chapter are eligible to take the
26 examination.

27 Every applicant who is issued a clinical social worker license
28 shall be examined by the board.

29 (b) Notwithstanding any other provision of law, the board may
30 destroy all ~~written and oral~~ examination materials two years
31 following the date of ~~the~~ *an* examination.

32 On or after January 1, 2002, no applicant shall be eligible to
33 participate in ~~an oral~~ *a clinical vignette written* examination if his
34 or her passing score on the *standard* written examination occurred
35 more than seven years before.

36 *SEC. 16. Section 4996.3 of the Business and Professions*
37 *Code is amended to read:*

38 4996.3. (a) Each application for the standard written
39 examination received on or after January 1, 1999, shall be
40 accompanied by an application fee of one hundred dollars (\$100)

1 and a fee of up to one hundred fifty dollars (\$150), including the
2 standard written examination fee and related administrative costs
3 for the standard written examination. After successfully passing
4 the standard written examination, each applicant shall submit one
5 hundred dollars (\$100) for the clinical vignette written
6 examination. Applicants failing to appear for any examination,
7 once having been scheduled, shall forfeit any examination fees
8 paid. Effective January 1, 2005, the examination fees for the
9 standard written and clinical vignette written examinations shall
10 be based on the actual cost to the board of developing, purchasing,
11 and grading of each examination, plus the actual cost to the board
12 of administering each examination. The written examination fees
13 shall be adjusted periodically by regulation to reflect the actual
14 costs incurred by the board.

15 (b) The fee for rescoring any written examination shall be
16 twenty dollars (\$20).

17 (c) The fee for issuance of the initial license shall be a
18 maximum of one hundred fifty-five dollars (\$155).

19 (d) With regard to all license, examination, and other fees, the
20 board shall establish fee amounts at or below the maximum
21 amounts specified in this chapter.

22 ~~SEC. 3.~~

23 *SEC. 17. Section 4996.4 of the Business and Professions Code*
24 *is amended to read:*

25 4996.4. Notwithstanding Section 4996.3, an applicant who
26 has failed ~~the~~ *any standard or clinical vignette* written examination
27 may apply for reexamination upon payment of the fee of up to one
28 hundred fifty dollars (\$150) including the examination fee and
29 related administrative costs ~~and an applicant who has failed the~~
30 ~~oral examination may apply for reexamination upon payment of~~
31 ~~the fee of two hundred dollars (\$200).~~ An applicant who fails ~~any~~
32 *a standard or clinical vignette* written ~~or oral~~ examination may
33 within one year from the notification date of failure, retake that
34 examination as regularly scheduled, without further application,
35 upon payment of the required examination fees. Thereafter, the
36 applicant shall not be eligible for further examination until he or
37 she files a new application, meets all current requirements, and
38 pays all fees required. Applicants failing to appear for
39 reexamination, once having been scheduled, shall forfeit any
40 reexamination fees paid.

1 *SEC. 18.* This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety
3 within the meaning of Article IV of the Constitution and shall go
4 into immediate effect. The facts constituting the necessity are:

5 ~~In order that changes to the examination process for licensees~~
6 ~~of the Board of Behavioral Sciences may be implemented at the~~

7 *In order that the provisions of this act may be implemented at*
8 *the earliest possible time, it is necessary for this act to take effect*
9 immediately.

